
NO. 23341

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

MATTHEW BUCKMAN, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT,
MOLOKA'I DIVISION
(Case Nos. LNR 1 & 2, 2P5 of 2/22/00 (99-223 & 98-136))

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy JJ.)

Defendant-Appellant, Matthew Buckman (Defendant), appeals from the judgment entered on February 22, 2000 by the district court of the second circuit, Moloka'i division, the Honorable Rhonda I.L. Loo presiding. Defendant contends that the district court erred by ordering Defendant to pay \$2,100.00 in fines without first determining his ability to pay the fines.

Upon carefully reviewing the record and the briefs submitted, we hold that the district court abused its discretion when it sentenced Defendant to pay \$2,100.00 in fines without determining (1) the financial resources of the Defendant, (2) the Defendant's ability to pay the fines, and (3) the nature of the burden that payment of the fines will impose. See Hawai'i Revised Statutes § 706-641 (1993). Therefore,

IT IS HEREBY ORDERED that the district court's February 22, 2000 judgment of conviction is affirmed and the

district court's sentence is vacated. The case is remanded for resentencing consistent with this court's holding.

DATED: Honolulu, Hawai'i, April 13, 2004.

On the briefs:

Joyce K. Matsumori-
Hoshijo, Deputy Public
Defender, for Defendant-
Appellant Matthew Buckman

Simone C. Polak, Deputy
Prosecuting Attorney,
for Plaintiff-Appellee
State of Hawai'i